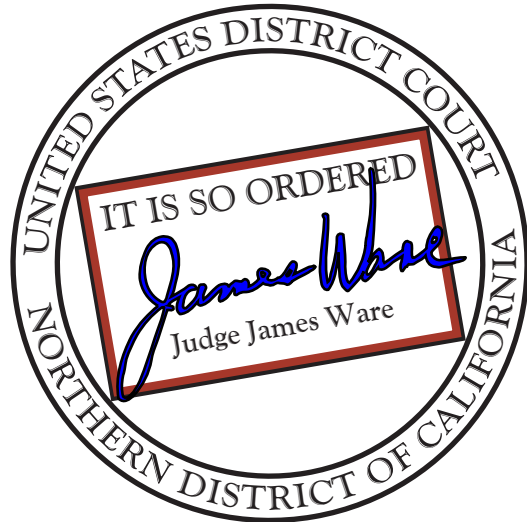


PAUL E. RICE (State Bar No. 062509)
RUTAN & TUCKER LLP
Five Palo Alto Square
3000 El Camino Real, Suite 200
Palo Alto, CA 94306
Telephone: (650) 289-9088
Fax: (650) 320-9905
Email: price@rutan.com

Attorneys for Plaintiffs
RUSSELL D. ERICKSON and
KAY E. ERICKSON

MICHAEL BARNES (State Bar No. 121314)
SONIA MARTIN (State Bar No. 191148)
SONNENSCHN NATH & ROSENTHAL LLP
685 Market Street, 6th Floor
San Francisco, CA 94105
Telephone: (415) 882-5000
Facsimile: (415) 543-5472
Email: mbarnes@sonnenschein.com
smartin@sonnenschein.com

Attorneys for Defendants
ALLSTATE INSURANCE COMPANY,
JAMES KINNEY and KATHERINE OSWALD



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RUSSELL D. ERICKSON and KAY E.
ERICKSON,

Plaintiffs,

vs.

ALLSTATE INSURANCE COMPANY;
JAMES KINNEY, KATHERINE K.
OSWALD, and Does 1 through 10,

Defendants.

No. C06 01928 JW

STIPULATION RE DISMISSAL OF JAMES
KINNEY AND KATHERINE OSWALD

The parties, by and through their respective counsel of record, hereby stipulate and agree
as follows and respectfully request that the Court approve and give effect to their stipulation:

///

04/12/2006 15:45 650-320-9905

RUTAN AND TUCKER

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1 WHEREAS plaintiffs have asserted claims for relief against James Kinney and Katherine
2 Oswald;

3 WHEREAS Allstate Insurance Company has agreed that Mr. Kinney and Ms. Oswald
4 were acting within the course and scope of their authority as exclusive Allstate agents during the
5 events at issue in the complaint in this case;

6 WHEREAS Allstate has agreed that it is responsible for any acts and/or omissions by Mr.
7 Kinney and Ms. Oswald occurring in the course and scope of their agency for Allstate during the
8 events at issue in the complaint in this case;

9 WHEREAS Mr. Kinney and Ms. Oswald have agreed that Michael Barnes of
10 Sonnenschein Nath & Rosenthal LLP is authorized to accept service on their behalf of any
11 subpoenas issued in this case;

12 WHEREAS Mr. Kinney and Ms. Oswald have agreed, once dismissed, to continue to be
13 subject to discovery, trial appearance and related matters under the same rules that would be
14 applicable to parties;

15 IT IS HEREBY STIPULATED AND AGREED that plaintiffs' complaint against Mr.
16 Kinney and Ms. Oswald, only, should be dismissed in its entirety with prejudice, with each party
17 to bear his or her own costs and attorneys' fees.

18 IT IS SO STIPULATED.

19 Dated: April 12, 2006

Respectfully submitted,

20 RUTAN & TUCKER


21 By 

22 Paul E. Rice

23 Attorneys for Plaintiffs
24 RUSSELL D. ERICKSON and KAY E.
25 ERICKSON
26
27
28

1 Dated: April 14, 2006

SONNENSCHN NATH & ROSENTHAL LLP


2
3 By 

4 Sonia Martin

5 Attorneys for Defendants
6 ALLSTATE INSURANCE COMPANY, JAMES
7 KINNEY and KATHERINE K. OSWALD

8
9 IT IS SO ORDERED.

10 Dated: 04/18/06

11 
12 Honorable James Ware
13 U.S. District Court Judge